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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 09/819,899 | 03/29/2001 | Jim Paul Haughwout | 06975-144001 / Member Ser | 5374 |
| 26171 | 7590 | 03/19/2007 | EXAMINER | |
| FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | THEIN, MARIA TERESA T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3627 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 03/19/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|---|-----------------|---------------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. | Applicant(s) | |
| | 09/819,899 | HAUGHWOUT, JIM PAUL | |
| | Examiner | Art Unit | |
| | Thein Marissa | 3627 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The arguments are not persuasive. For example, Applicant remark that "Dhir and Kanevsky, either alone or in combination, fail to describe or suggest at least storing in a first electronic database, prior to receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute, comprising a preference of the caller not to receive any sales pitches".

Examiner does not agree. The Examiner notes that the combination of Dhir and Kanevsky describes or suggest "storing in a first electronic database, prior to receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute, comprising a preference of the caller not to receive any sales pitches". Dhir discloses "storing in a first electronic database, prior to receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute. Dhir discloses an system and method for routing phone calls in a service center that integrates telephony with computers to provide a positive and personalized service environment that increases caller recognition (Dhir col. 1, lines 8-12). The system employs one or more banks of centralized IVR's to permit customer input information to be gathered before call routing to call sites within the the virtual call center network (col. 3, lines 19-22). Dhir discloses a system comprising a central server system, data logger system, administrative controller system, call router database, interactive voice response (IVR) system1, and IVR system 2 (col. 4, lines 40-45). The IVR system1 and IVR system2 collect information from callers in order to route calls to the proper target such as a qualified agent at a queue at a call site (col. 5, lines 51-54). The IVR system comprises a central server IVR interface, and a series of individual IVR devices (col. 9, lines 20-22). By incorporating shared IVR systems (IVR system 1 and IVR system2) within the call routing network before a call is forwarded to a local call site, additional information can be received so that it is more likely that the correct account is recognized and the proper routing strategy is computed (col. 9, lines 51-55). Such incorporation of the IVR systems within the call routing network before a call is forwarded to a local call site, additional information can be received so that it is more likely that the correct account is recognized and the proper routing strategy is computed are considered "storing in a first electronic database, prior to receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute.

The Examiner then turns to Kanevsky to teach storing a sales pitch preference of the caller, a preference of the caller not to receive any sales pitch. Kanevsky teaches a voice-oriented systems to tailor response of a voice system to an acoustically determined state of a voice system user (col. 1, lines 7-12). Kanevsky further teaches an attribute data which is stored in the data warehouse which correlates with at least one user attribute (col. 2, lines 21-23). The data is stored in the data warehouse in a form to facilitate subsequent data mining (col. 2, lines 24-25). The attribute can be an emotional state, accent, native language dialect, socioeconomic classification, and educational level of the user (col. 2, lines 18-21). Kanevsky teaches that for a given business objective, such as, target marketing, predictive models or classifiers are automatically obtained by applying appropriate mining recipes. (Col. 7, lines 41-46) Kanevsky also teaches examples of business objectives such as detection of users who are vulnerable to a proposal to buy a given product or service, detection of users who have problems with the automated system and should be transferred to an operator and detection of users who are angry at the service and should be transferred to a supervisory person (col. 7, lines 48-54). Such an attribute data which is stored in the data warehouse which correlates with at least one user attribute; the data is stored in the data warehouse in a form to facilitate subsequent data mining; the attribute being an emotional state, accent, native language dialect, socioeconomic classification, and educational level of the user; for a given business objective, predictive models or classifiers are automatically obtained by applying appropriate mining recipes; and the example of business objectives such as detection of users who are vulnerable to a proposal to buy a given product or service, detection of users who have problems with the automated system and should be transferred to an operator, and detection of users who are angry at the service and should be transferred to a supervisory person are considered storing a sales pitch preference of the caller, a preference of the caller not to receive any sales pitch.

The motivation to combine is then found in Kanevsky which is "to provide data associated with the voice of user which can efficiently and automatically make use of the data available in transactions" (col. 1, lines 60-62).

Michael Cuff 3/16/07
MICHAEL CUFF
PRIMARY EXAMINER